

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

IN RE: TRIBUNE COMPANY FRAUDULENT
CONVEYANCE LITIGATION

Consolidated Multidistrict Action
11 MD 2296 (RJS)
12 MC 2296 (RJS)

ECF Case

THIS DOCUMENT RELATES TO:

Kirschner v. FitzSimons

12 CV 2652

NOTICE OF SUBMISSION OF LETTER

Pursuant to paragraph 47 of Master Case Order No. 3 (Sept. 7, 2012) [ECF No. 1395], please take notice that the undersigned submitted the attached letter to the Court in the above-captioned actions.

Dated: May 14, 2018
New York, NY

By: /s/ David M. Zensky

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May 14, 2018

VIA ECF AND E-MAIL (sullivannysdchambers@nysd.uscourts.gov)

Honorable Richard J. Sullivan
United States District Court
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square, Room 2104
Courtroom 905
New York, NY 10007

Re: *In re Tribune Co. Fraudulent Conveyance Litigation*, 11-MD-2296; *Marc S. Kirschner (the "Trustee") v. FitzSimons, et al.*, No. 12-CV-2652 (the "Action")

Dear Judge Sullivan:

Congratulations on your nomination to the Court of Appeals for the Second Circuit. We write to respectfully ask the Court to act on the Trustee's March 8, 2018 application by authorizing the Trustee to (i) file his amended complaint in the Action, or (ii) make a motion for leave to amend before Your Honor departs for the Second Circuit.

The Trustee's application was filed in the wake of the Supreme Court's decision in *Merit Management Group, LP v. FTI Consulting, Inc.*, 138 S. Ct. 883 (Feb. 27, 2018), and further to this Court's August 24, 2017 order, and has been the subject of substantial letter submissions by the Trustee and defendants. (ECF Dkt. Nos. 7283, 7291, 7293, 7295-302, 7311, 7318, 7325-26, 7333.) When this issue first arose prior to the Supreme Court ruling, your Honor indicated you would give favorable consideration to the Trustee's request should the law of the Circuit change, which has now occurred. As Your Honor knows, motion practice, appeals and procedural issues of various kinds have prevented this case from advancing for many years. If, as a result of Your Honor's appointment to the Circuit Court, the amendment request is left for resolution by a new judge unfamiliar with the parties and complex issues involved in the Action, substantial additional delay is likely to result. The Trustee therefore respectfully requests the Court to address his application before the Action is transferred to a new judge. Thank you for your continuing attention to this matter.

Respectfully submitted,

David M. Zensky